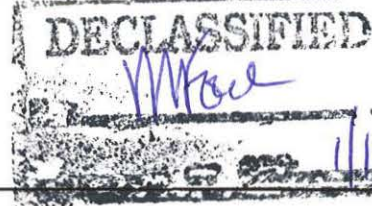


BRIEFING PAPER

DATE: March 2, 2005
TOPIC: Gulfco Marine Maintenance Superfund Site
DEADLINE OR DUE DATE:
ACTION REQUIRED:
BACKGROUND:

CONFIDENTIAL



The Gulfco Marine Maintenance Superfund Site ("Site"), consisting of approximately forty acres, is located on the Intracoastal Canal near Freeport, Texas. The Site property contains wetlands and is adjacent to a residential neighborhood. From 1971 to 1998, it was occupied by a barge cleaning operation. Region 6 sent a Special Notice Letter on July 14, 2004 inviting the identified potentially responsible parties (PRPs) to negotiate an administrative order on consent (AOC) to conduct a remedial investigation and feasibility study (RI/FS). The PRPs did not submit a good faith offer during the moratorium and the Region concluded negotiations. The PRPs subsequently sent a letter committing to do the RI/FS. Based on this commitment, EPA reopened negotiations. An agreement was discussed over a series of meetings although the PRPs ultimately indicated an unwillingness to sign any agreement for an RI/FS. The PRPs then suggested that cleanup should be done under the State Voluntary Cleanup Program (VCP). The Superfund Division Director agreed to meet with the PRPs and, after the meeting, provided them an opportunity to submit a proposal detailing what they were willing to do. The PRPs submitted a general outline of a proposal on February 23, 2005. The Region responded that, while it was willing to discuss the possibility of performing some response under State authority, it had concerns regarding whether the State VCP would provide the information necessary to make a delisting decision. The Region also asked that, by March 4, 2005, the PRPs identify what specific commitment they were willing to make.

CURRENT STATUS:

The Region is awaiting the PRPs' response, which is due March 4. Based on this response, the Region expects to be able to make a decision regarding how to proceed with the cleanup.

TECHNICAL CONCERNS:

Cleanup may be complicated by probable DNAPL in ground water under the former impoundment location.

FUTURE/RECOMMENDED ACTIONS:

This site raises issues regarding EPA's willingness to allow final National Priorities List



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sites to be returned to state voluntary programs after federal enforcement has commenced. Current guidance requires such sites to be handled as federal sites or state lead enforcement sites, which would make them ineligible for state VCPs. Additionally, it is unclear that most state VCPs would yield the information need to allow EPA to make the determinations for delisting required under the National Contingency Plan. If the desired outcome is to allow such sites to revert to state programs even though listed, guidance and tracking of enforcement goals need to be clarified. It is expected that similar requests will come regarding other enforcement lead sites because state VCPs are often viewed by PRPs to be less onerous than the federal Superfund program.

CONTACT/TELEPHONE NUMBER:

RPM - Gary Miller/214.665.8318

Superfund Division Branch Chief - John Hepola/214.665.2724

Site Attorney - Barbara Nann/214.665.2157

ORC Branch Chief - Mark Peycke/214.665.2135